

REMARKS

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1-5 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fuyama (U.S. Patent No. 6,255,376). Claims 6 and 7 are rejected 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuyama in view of Fuyama '267 (U.S. Patent No. 6,834,267). Claims 1-5 are also rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuyama. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuyama in view of Fuyama '267.

§ 112, second paragraph, Rejections – Claims 1-7

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph, based on the reasons set forth on page 5 of the present Office Action.

Applicant amends claim 1, as indicated herein, and Applicant believes that the Examiner's rejection of claim 1 under 35 U.S.C. § 112, second paragraph, is obviated. Applicant submits that the rejections of dependent claims 2-7 under 35 U.S.C. § 112, second paragraph, are obviated also.

§ 102(e) Rejections (Fuyama) – Claims 1-5

Applicant submits that the amendment to claim 1 further clarifies and distinguishes the present invention, as recited in claim 1, over the applied reference. That is, Applicant maintains the previous arguments in response to the anticipation rejection of claims 1-5 over Fuyama, and further submits that Fuyama does not disclose or suggest at least, "wherein said elements (a)-(d) are provided on a vehicle."

Applicant notes that, on pages 9-10 of the Office Action, the Examiner indicates that if Applicant intends to disclose that each of recited elements (a) through (d) is physically located on or

within a vehicle, the Examiner would reject claims 1-5 based on an obviousness rejection over Fuyama. This rejection is addressed below.

§ 103(a) Rejections (Fuyama) – Claims 1-5

With respect to the features added to claim 1, the Examiner asserts:

As per claim 1, while Fuyama's vehicle speed detection means and communication means have components located on or within the vehicle (Fig. 2; abstract; col. 4, line 25 through 5, line 54), Fuyama's measuring means and decision means are located externally to the vehicle at the toll station (Figs. 1, 2, 4, 6, 8). In other words, Fuyama does not expressly teach that the measuring means and decision means are physically located on or within the vehicle. However, the location of these means does not affect the recited structure or functionality. Additionally, a shift in the location of recited parts is deemed to be obvious in light of prior art teachings addressing the structure and functionality of the recited parts, as supported by *In re Japikse*, 86 USPQ 70, 73; 182 F2d 207 (CCPA 1950). Therefore, even if elements (a) through (d) of claim 1 were all recited as physically being located on or within a vehicle, the Examiner submits that the claimed invention is still obvious in light of Fuyama since Fuyama teaches the recited structure and functionality corresponding to these elements, as discussed above.

In response, Applicant submits that neither of the applied references, either alone or in combination, disclose or suggest at least, "wherein said elements (a)-(d) are provided on a vehicle," and that the Examiner is using impermissible hindsight reasoning in concluding that these features are obvious. Nowhere does Fuyama disclose or suggest the above-quoted specific structure. Therefore, at least based on the foregoing, Applicant submits that claims 1-5 are patentably distinguishable over Fuyama.

Further, with respect to claims 4 and 5, Applicant submits that Fuyama does not disclose or suggest converting the distance data to time data based on an area entering speed, as recited in claims 4 and 5.

In response to this previously submitted argument, the Examiner alleges:

Additionally, Applicant argues that “there is no disclosure or suggestion of converting the distance data to time data based on an area entering speed” (page 7 of Applicant’s response). Any velocity determination (as taught by Fuyama) is based on a distance traveled in relation to a given time period. Furthermore, Fuyama uses the velocity measurement to determine a sufficient time interval for establishing a communication link (col. 5, lines 1-54). This time interval is ultimately derived from a distance measurement. “Generally, the predetermined interval is twice or three times the time interval for establishing the communication link, for example 500 ms, which corresponds (slightly longer) to the interval (482 ms) necessary for traveling p1 to p2 at 30 Km/h. The predetermined interval is longer than the interval that the vehicle travels from the p1 to p2 at a relatively high speed, so that if the speed of the vehicle 35 is high (more than 30 Km/h), the communication link is judged in response to the second sensor s2.” (col. 5, lines 41-50).

In response, even if, *arguendo* a time interval is ultimately derived from a distance measurement, Fuyama only discusses a predetermined interval, therefore Fuyama could not possibly disclose or suggest converting distance data to time data based on an area entering speed. That is, the conversion of the distance data to time data is dynamically based on an area entering speed, whereas the time interval discussed in Fuyama is a predetermined interval.

§ 103(a) Rejections (Fuyama/Fuyama ‘267) – Claims 6 and 7

First, Applicant maintains that claims 6 and 7 are patentable at least by virtue of their respective dependencies from independent claim 1. Fuyama ‘267 does not make up for the deficiencies of Fuyama.

Further, with respect to dependent claim 7, Applicant maintains the previous arguments with respect to claim 7. That is, Applicant maintains that neither Fuyama nor Fuyama ‘267, either alone or in combination, discloses or suggests the specific feature of generating a synthesized voice message for prompting change of speed of the motor vehicle in dependence on a vehicle speed signal outputted from the vehicle speed detecting means.

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/688,834

ATTORNEY DOCKET NO. Q60831

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

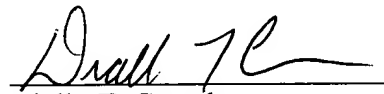
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Date: October 20, 2006